

Marion County Family Court Project 2005 Information Update

Basic Information

Population: 860,454
County Seat: Indianapolis
Judicial Officers: 65
Project Judge: Judge Robyn Moberly
Family Court Personnel: The project was implemented with one full-time Family Court Project Coordinator position, and has since added a full-time Service Coordinator position.
Contact Person: June Shrieves, jshrieve@indygov.org

Funding

Family Court Project Funding

\$90,000 (\$45,000 per year, for two years from January 2002 – December 2003)

\$40,000 (\$20,000 per year, for two years from January 2004 – December 2005)

Grant: The Efroymson Fund through Central Indiana Community Foundation
\$30,000 in 2005 to implement the Service Referral and Coordination Center

Family Court Mission Statement

The mission of the Marion County Family Court Project is to maximize family stability and judicial economy by providing a comprehensive, coordinated process to handle multiple conflicts and justiciable issues involving a single family through coordination and continuity of services.

Family Court Programming

Coordination of Multiple Case Families

Marion County utilizes two different methods of case coordination for families who have multiple cases pending in the court system: (1) information sharing between multiple courts and (2) case bundling.

The “information sharing” model is designed to coordinate the litigation of families with multiple court cases by sharing information with the various judges, parties, and attorneys involved in the family’s cases. Families are referred to the Family Court Project Coordinator for admission. When a family meets the criteria, an order assigning the family’s cases to the Family Court is issued by the lead Family Court judge. All of the civil judicial officers involved with the family’s cases receive basic information about the family’s pending litigation through a written “case coordination form.” Attorneys, pro se parties, GAL/CASAs, and other necessary persons also receive the case coordination form. The form lists the cause numbers, parties, hearing dates, issues, and significant

orders in all of the family's pending litigation, as well as significant criminal history. As each case proceeds through litigation, the case coordination form is periodically updated and distributed to those listed above.

For information sharing, the family's various cases remain in their courts of origin. The use of the case coordination form and Family Court Rule 4 (which allows each court to take judicial notice of orders issued in the family's other cases) insures more informed decision making, avoids conflicting or redundant orders for the parties, and prevents scheduling conflicts.

Marion County also uses the *one family-one judge* model, which it refers to as *case bundling*. This generally occurs when a child is the subject to a CHINS case (Child in Need of Services) in juvenile court, and also is the subject of a dissolution or paternity case (or ongoing custody order) in another court. When a family is recommended for case bundling, the lead Family Court judge issues an order assigning the multiple cases to the Family Court Project and transferring them to the court where the CHINS case is being heard. Marion County implemented Local Rule 76.2 to expedite the transfer of all related cases to the same court. Once the cases are transferred, the judge will maintain separate orders and separate records in each case. The applicable standards of proof, rules of evidence and other due process issues apply to each case type. When the litigation of all the cases is complete, the judge transfers the continuing jurisdiction cases (i.e. custody and guardianship) back to their courts of origin and the Family Court proceeding is closed. This process is designed to expedite cases, facilitate coordinated orders, and allow concurrent hearings in the family's multiple cases.

Mediation Programming for Indigent and Low Income Families

Marion County developed mediation services for low-income families in divorce cases, and is in the process of expanding those services to paternity cases as well. The program uses registered mediators who have agreed to provide low or no cost mediation, based on the family's income. After the completion of the mediation, it is up to the parties or their attorneys to create the appropriate written documents and file them with the court. Recognizing that many of these parties are without representation, the program has developed educational tools to assist *pro se* clients in getting their mediations completed and directing them to resources for the production of appropriate court documentation.

Marion County has an approved Alternative Dispute Resolution (ADR) Plan that authorizes the Clerk to collect a \$20 ADR fee in each new divorce case. The ADR fees can be used to pay mediators and administrative costs associated with divorce and paternity mediations.

Service Referral

In 2005, Marion County implemented the Service Referral and Coordination Center. The Center is used to assess families for service needs, facilitate the location of service providers in the community, assist in the scheduling of appointments and equip families through education of the court process. In addition to assisting families, the Service

Coordinator will monitor the completion of services and report the family's progress to the courts.

Potential Family Drug Court and Pro Se Programming

Marion County is currently seeking funding that will continue to enhance the way that the court facilitates families in crisis through two programs: Family Drug Court and Pro se curriculum. If the necessary funding is obtained, the Family Drug Court program will place first time CHINS mothers who give birth to addicted babies in a treatment facility designed to surround the mother with services tailored to her needs, and enable regular visitation between mother and child. The pro se curriculum will help educate pro se litigants about the legal process, encourage them to seek counsel, and equip them to proceed in their cases. These new projects have preliminary designs and await financial collaboration.

New Visions – Exploring a Family Law Division

In addition to the scope of the original project, there is a movement within Marion County that is changing the culture of family law and the Family Court Project is taking the lead in the redesign process. The Executive Committee of the Marion Superior Courts asked a task force to develop a family court model that would be used to develop a Family Law Division. The charge required that the model would 1) incorporate best practices; 2) address the specific and unique needs of Marion County; and, 3) focus specifically on how to best serve children and families.

To develop the task force, the Executive Committee brainstormed about stakeholders and identified specific individuals to be invited to represent their constituency. The task force is comprised of judges, judicial officers, attorneys (public and private), community service providers, and community leaders. Currently, the group has 40 members and the goal is to insure that the model produced recognizes not only the interests of courts, but provides a plan that is both feasible and in accord with the current and future needs of the community.

The task force is divided into two groups, a core group and an advisory group. The core group meets 2-3 times monthly and has the responsibility of most of the brainstorming and development of the model. The advisory group meets quarterly to serve as a plumb line to the process by critiquing the output and advising about areas of concern. All task force members receive all meeting documentation and are given opportunity to provide input and attend any and all meetings that they desire.

The core group began meeting in February and has embarked on a process of identifying 1) any and all cases types that could potentially be included, 2) strengths and weaknesses in the current system's handling of each case type, and 3) potential barriers to successfully creating and implementing a family court model in the form of a new division for the courts.

The next step of the process will begin to build the model. To do this, the group will: 1) identify the components of the division, 2) conduct a national review of how others have

defined each component, 3) brainstorm how we will define each component, and finally 4) develop the processes, procedures, rules and regulations that will govern the model of the family law division.

The goal of this project is to produce a division that is comprehensive in nature. It has the potential to encompass as many as 25,000 cases per year, a groundbreaking endeavor for this community. It has the potential to become one of the largest and most comprehensive Family Courts in the nation.